

**DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINED LAND RECLAMATION**

GUIDANCE MEMORANDUM¹ No. 19-07

Issue Date: November 16, 2007

Subject: Acreage Amendments, Anniversary Reports, and Temporary Cessations

The following concerns the permitting processes for acreage amendments, anniversary reports, and temporary cessations.

ACREAGE AMENDMENTS

The Division of Mined Land Reclamation's Memorandum to Operators # 5-98 (<http://www.dmme.virginia.gov/DMLR/docs/operatormemos.shtml#5-98>) addressed acreage amendments for a non-incidental extension of an existing permit.

Effective December 1, 2007, permittees applying for an acreage amendment² to a permit participating in the Coal Surface Mining Reclamation Fund under Part 4VAC25-130-801 of the Virginia Coal Surface Mining Reclamation Regulations will be required to submit the applicable reclamation fund entrance fee required by §4VAC25-130-801.12(a). In addition, the permittee will be required to pay the applicable reclamation fund taxes as provided by §4VAC25-130-801.14 (a) and (e) for coal produced in the acreage amendment area.

The requirement to submit the entrance fees set by §4VAC25-130-801.12(a) will not be assessed for those acreage amendment applications that were filed with the Division (and for which public notice was published) prior to December 1, 2007. However, the reclamation taxes required by §4VAC25-130-801.14 (a) and (e) will apply.

ANNIVERSARY REPORTS

Effective January 1, 2008, anniversary reports should be submitted in an electronic application to the Division at least 45 days before the permit's anniversary date. This will allow the Division time to review the reports and request any necessary corrections prior to the anniversary date.

¹ This Memorandum is to be considered a guideline issued under the authority of § 45.1-230.A1 of the Code of Virginia which reads:

"In addition to the adoption of regulations under this chapter, the Director may at his discretion issue or distribute to the public interpretative, advisory or procedural bulletins or guidelines pertaining to permit applications or to matters reasonably related thereto without following any of the procedures set forth in the Administrative Process Act (§ 2.2-4000 et seq.). The materials shall be clearly designated as to their nature, shall be solely for purposes of public information and education, and shall not have the force of regulations under this chapter or under any other provision of this Code."

² An Acreage Amendment is designated as "AA" in the electronic permit application.

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These sections of the electronic application should be completed –

1. Section I
2. Section II
3. Section III
4. Section VII (make the necessary acreage changes if corrections are required)
5. Section IX (attach the electronic copy of the seeding report³ in Item 9.4)
6. Section XVII (if the haulroad construction and design needs to be addressed per Guidance Memorandum 10-05⁴)
7. Section XIX (if changes in the bonding plan are required due to acreage corrections)
8. Section XXI (attach completed forms DMLR-PT-034D and DMLR-PT-028 in Item #21.1, required maps in Item # 21.2, map legends in Item # 21.4, and a drawing in 21.5)⁵

TEMPORARY CESSATIONS

Effective immediately, the Division will discontinue reviewing and approving temporary cessation requests and applications for areas that have been in temporary cessation status for an extensive period of time.

The maximum period that the Division will grant for a temporary cessation request is 2 ½ years. This includes permits which have active mining operations and area(s) in temporary cessation. The permittee may submit a request to the Division to extend the temporary cessation status for an additional period up to 2 ½ years, not to exceed the permit's expiration date. The request should include detailed justification as to why an extension is warranted and should be granted by the Division.

In the event an extension of temporary cessation is not granted, the permittee will be required to activate coal surface mining operations at the temporary cessation area(s) or expeditiously initiate reclamation of the subject area(s) prior to the expiration date of the temporary cessation status. The required reclamation shall be performed in accordance with the permit's approved reclamation plan.

Should you have any questions regarding this guidance memorandum, please contact the DMLR Reclamation Program Manager at (276) 523-8160.

³ Seeding Report – DMLR-PT-011

⁴ <http://www.dmme.virginia.gov/DMLR/Adobe/10-05ReqHaulroadConst.pdf>

⁵ Refer to the Electronic Permitting Application Guide for detailed instructions.